

## STROOCK

FACSIMILE

DATE

November 12, 2003

#8  
Petition  
W/D  
ABNT

TO	COMPANY NAME	FAX NO.	PHONE NO.
MAIL STOP PETITION BRANCH	USPTO	703-308-6916	703-305-9282

TOTAL NO. OF PAGES

9

FROM

Ian G. DiBernardo

SENDER'S FAX NO.

212-806-6006

SENDER'S PHONE NO.

212-806-5867

SENDER'S EMAIL

IDIBERNARDO@stroock.com

ROOM NO.

3861

ATTORNEY NO.

3350

CLIENT/MATTER NAME

CLIENT/MATTER NO.

135695/0050

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NOV 12 2003

PETITIONS OFFICE

MESSAGE

RE: PETITION TO WITHDRAW HOLDING OF  
ABANDONMENT BASED ON FAILURE TO RECEIVE OFFICE  
ACTION

U.S. APPLICATION SERIAL NO. 09/820,551

FILED: MARCH 29, 2001

FOR: SYSTEM AND METHOD FOR REMOTELY  
MONITORING

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DIRECTOR OFFICE  
TECHNOLOGY CENTER 2600

CONFIDENTIAL

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Docket No.  
**135695/0050**  
**SBP/IGD/KB**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicants: **Peter Y. Zhou et al.**

Group Art Unit: **3738**

Application No.: **09/820,551**

Examiner: **Not Yet Assigned**

Filed: **March 29, 2001**

For: **SYSTEM AND METHOD FOR REMOTELY MONITORING**

Date: **November 12, 2003**

**CERTIFICATE OF TRANSMISSION**  
**BY FACSIMILE (37 C.F.R. § 1.8)**

**Mail Stop Petition**

Commissioner for Patents

PO Box 1450

Alexandria, Virginia 22313-1450

**FAX RECEIVED**

**NOV 12 2003**

**PETITIONS OFFICE**

Sir:

I hereby certify that the following correspondence:

**PETITION TO WITHDRAW HOLDING OF ABANDONMENT BASED ON FAILURE  
TO RECEIVE OFFICE ACTION with attached enclosures (7 pgs.)**

is being transmitted by facsimile to the United States Patent and Trademark Office in  
accordance with 37 C.F.R. § 1.8 on the following date:

**Kara Bonitatibus**

(Typed Or Printed Name Of Person Signing this Certificate)

  
(Signature)

Docket No.  
135695/0050  
SBP:IGD:KB

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**Applicant: **Peter Y. Zhou, et al.**Group: **3738**Application No.: **09/820,551**Examiner: **Not Yet Assigned**Filed: **March 29, 2001**For: **SYSTEM AND METHOD FOR REMOTELY  
MONITORING**Date: **November 12, 2003**

#8/old  
Petition  
11-25-03  
RECEIVED  
FAX RECEIVED  
NOV 25 2003  
NOV 12 2003  
DIRECTOR OFFICE  
TECHNOLOGY CENTER 2600  
GROUP 3700

**PETITION TO WITHDRAW HOLDING OF ABANDONMENT BASED ON FAILURE  
TO RECEIVE OFFICE ACTION**

Mail Stop Petition  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

FAX RECEIVED  
NOV 12 2003

Sir/Miss:

PETITIONS OFFICE

Applicants respectfully request withdrawal of the Notice of Abandonment and issuance of a new Office Action in the above-referenced application. Applicants submit that the Notice of Abandonment was issued in error and should be withdrawn because Applicants failed to receive the Office Action that was not responded to and, thus, lead to issuance of the Notice of Abandonment (which also was not received by Applicants).

On November 6, 2003, the undersigned inquired via telephone with the Patent and Trademark Office as to the status of the above-referenced application. The Receptionist of Group 3730 indicated that an Office Action was mailed on April 4, 2002 and that a Notice of Abandonment was mailed on November 15, 2002. The undersigned indicated that Applicants had received neither the Office Action nor the Notice of Abandonment and inquired whether both were sent to the undersigned's address. The Group Receptionist indicated that neither the

Application Serial No. 09/820,551  
Filed: March 29, 2001

Office Action nor the Notice of Abandonment were mailed to the undersigned's address as the file had an incorrect correspondence address.

Indeed, the undersigned attests that a complete and thorough search of the file jacket and docket records was conducted and that such search indicates that no Office Action or Notice of Abandonment was received. A copy of Applicants' attorneys' internal docket, which demonstrates that no Office Action was received in connection with the above-referenced application, is enclosed herewith as Exhibit A.

Accordingly, Applicants respectfully submit that Applicants failed to receive the Office Action and the Notice of Abandonment because the Change of Address, which Applicants mailed on August 3, 2001 was not properly entered. In support of the August 3, 2001 filing of the Change of Address, Applicants enclose:

1. a copy of the Change of Address, Exhibit B, directing all correspondence for the above-referenced application to:

Stroock & Stroock & Lavan LLP  
180 Maiden Lane  
New York, NY 10038  
Attn: Steven B. Pokotilow, Esq.

2. a copy of the Certificate of Express Mailing, Exhibit C, indicating a mailing date for the Change of Address of August 3, 2001; and
3. a copy of the stamped return postcard, Exhibit D, indicating receipt by the Patent and Trademark Office of the Change of Address on August 3, 2001.

In view of the foregoing, Applicants respectfully request that:

1. the Holding of Abandonment be withdrawn;
2. a new Office Action be issued; and

Application Serial No. 09/820,551

Filed: March 29, 2001

3. the Change of Address be entered.

Early and favorable action is earnestly solicited. No fee is deemed necessary in connection with the filing of this petition. However, if any additional fee is due the amount of such fee may be charged to Deposit Account No. 19-4709.

Respectfully submitted,



Ian G. DiBernardo  
Reg. No. 40,991 for:  
Steven B. Pokotilow  
Reg. No. 26,405  
Attorney for Applicants  
STROOCK & STROOCK & LAVAN LLP  
180 Maiden Lane  
New York, New York 10038

## EXHIBIT A

SS&amp;L# 135695/050

PRINTED ON: 11/12/2003

COUNTRY	US	UNITED STATES	TITLE		PRIOR	6/30/2000
NEW/CON	NEW	SERIAL#	09/820,551	SYSTEM AND METHOD FOR REMOTELY MONITORING	MAIL	3/29/2001
RELATED		PATENT#			FILE	3/29/2001
TYPE	UTL	STATUS	PENDING		PUBL	
CLIENT	DAC	Digital Angel Corporation	1	CREF		
AGENT				AREF		
					EXP	y 6/30/2020
					1ST	6/30/2000

ID	O	ACTION	BASE	DUE IN	DUE	EXTNS	FINAL	EXT	RESPONSE	CALL UP	1	2	P
FS	N	FILG RCPT STATUS CHK	3/29/2001	3M	6/29/2001		6/29/2001	0	5/9/2001	0M	Y	Y	Y
G2	N	MISSING PARTS (2 MO)	5/9/2001	2M	7/9/2001	41	11/9/2001	1	8/3/2001	1M	Y	Y	Y
AS	Y	ASSIGNMENT	8/16/2001						11/16/2001				
Received Assignment Recordation from the PTO.													
NC	N	NOTIFY CLIENT OF FF	3/29/2001	9M	12/29/2001	0	12/29/2001	0	1/22/2002	1M	Y	Y	Y
On 1/22/2002, as per Ian foreign filing already filed.													
CE	N	CONVENTION ENDS	3/29/2001	12M	3/29/2002		3/29/2002	0	1/22/2002	2M	Y	Y	Y
As per Ian corresponds with 135695/047													
FO	N	FOREIGN FILING DUE	3/29/2001	12M	3/29/2002		3/29/2002	0	1/22/2002	3M	Y	Y	Y
As per Ian, 135695/047 already filed.													
ID	Y	IDS W/ PTO-1449	8/22/2002										
PU	N	PUBLICATION	3/29/2001	33M	12/29/2003		12/29/2003	0		1M	Y	Y	Y

<b>INVENTORS</b>
Peter Y. Zhou
Dexing Pang

<b>ASSIGNEES</b>
Digital Angel Corporation

<b>USER-DEFINABLE FIELDS</b>		<b>PATENT FIELDS</b>	
ART#		SMALL ENTITY	ART UNIT
LOC		CLAIMS	EXAMINER
PBL#		PUBLICATION#	CONFIRM#

P02501US00 ENTERED 8/3/2001 MODIFIED 11/11/2003 BY LB ATTORNEYS SBP / ID / BC

## NOTES

Peter Y. Zhou and Dexing Pang assign to Digital Angel Corporation  
 Recorded on August 20, 2001 at Reel 01200; Frame 0459.

(NOTE: PCT/US01/21195 (1356995/0047) also recorded on the same Reel and Frame)

**EXHIBIT B****Change Of Attorney or Agent's Address In Application  
(37 CFR 1.8(a))**Docket No.  
135695/0050

In Re Application Of: Peter Y. Zhou, et al.

Serial No.  
09/820,551Filing Date  
29 March 2001Examiner  
—Group Art Unit  
3738Invention: **SYSTEM AND METHOD FOR REMOTELY MONITORING**TO THE ASSISTANT COMMISSIONER FOR PATENTS

Please send all correspondence for this application to:

**STROOCK & STROOCK & LAVAN, LLP**  
180 Maiden Lane  
New York, NY 10038  
Attn: Steven B. Pokotilow, Esq.

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NOV 12 2003

PETITIONS OFFICE

Please direct all telephone calls to:

**Steven B. Pokotilow**  
(212) 806-6663**RECEIVED**

NOV 25 2003

DIRECTOR OFFICE  
TECHNOLOGY CENTER 2600  
*Signature of Attorney or Agent of Record*

Dated: August 3, 2001

**Steven B. Pokotilow, Reg. No. 26,405**  
**STROOCK & STROOCK & LAVAN, LLP**  
180 Maiden Lane  
New York, NY 10038*Registration Number & Address of Attorney or Agent of Record*I certify that this document is being deposited on  
with the U.S. Postal Service as first  
class mail under 37 C.F.R. 1.8 and is addressed to the  
Assistant Commissioner for Patents, Washington, D.C.  
20231.*Signature of Person Mailing Correspondence**Typed or Printed Name of Person Mailing Correspondence*

EXHIBIT C

Docket No. : 135695/0050

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Peter Y. Zhou  
Dexing Pang

Assignee : Digital Angel Corporation

Serial No. : 09/820,551 Art Unit : 3738

Filed : 29 March 2001 Examiner :

For : SYSTEM AND METHOD FOR REMOTELY MONITORING

CERTIFICATE OF EXPRESS MAILING (37 C.F.R. 1.10)

Box Missing Parts  
Commissioner For Patents  
Washington, DC 20231

FAX RECEIVED  
NOV 12 2003

PETITIONS OFFICE

Sir:

I hereby certify that the attached executed Declaration and Power of Attorney; Petition and Fee for Extension of Time; Response to Notice to File Missing Parts; Copy of Notice to File Missing Parts; Change of Address; Return Receipt Postcard (along with any paper(s) referred to as being attached or enclosed) and this Certificate of Mailing are being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service, Express Mail Label No. EL 635 628 455 US, under 37 C.F.R. 1.10 on the date indicated above and is addressed to Box Missing Parts, Commissioner for Patents, Washington, D.C. 20231.

Respectfully submitted,

STROOCK &amp; STROOCK &amp; LAVAN, LLP.

Date: August 3, 2001

By: 

Ian G. DiBernardo  
Registration No. 40,991

Mailing Address:

Stroock & Stroock & Lavan, L.L.P.  
180 Maiden Lane  
New York, New York 10038  
(212) 806-5400



EXHIBIT D

FAX RECEIVED

NOV 12 2003

PETITIONS OFFICE

DATE RECEIVED MONTH YEAR												MONTH	DAY
JAN.	FEB.	MAR.	APR.	MAY	JUN.	JUL.	AUG.	SEP.	OCT.	NOV.	DEC.		

Docket No. : 135695/0050

Serial No. : 09/820,551

Attorney: SBP:IGD

Applicant: Digital Angel Corporation

Filed : 29 March 2001

For: SYSTEM AND METHOD FOR REMOTELY MONITORING

Enclosures:

- 1) Executed Declaration and Power of Attorney;
- 2) Petition and Fee for Extension of Time;
- 3) Response to Notice to File Missing Parts;
- 4) Copy of Notice to File Missing Parts;
- 5) Change of Address; and
- 6) Certificate of Express Mail.

date of receipt by pat. o.  
FILE BY THIS DATE

8/3/01

EXPRESS MAIL LABEL NO. EL 635 628 455 US

 MASTER CARD MARKED \_\_\_\_\_ GREEN & ANY YELLOW TICKLE CARDS PULLED \_\_\_\_\_  
 AWAITING PAT. O. ACTION TICKLE \_\_\_\_\_ CLERK \_\_\_\_\_